

REMARKS

This is in response to the Office Action dated July 24, 2006, which required election between the following groups:

Group I: Claims 1, 2, 4, and 13, drawn to a colorant suspension.

Group II: Claims 5-7 and 12, drawn to a method of making a suspension.

By this response, Applicant respectfully requests reconsideration of the restriction requirement. In particular, Applicant submits that no lack of unity objection was raised in the International Preliminary Examination Report issued during the international phase of PCT Application No. PCT/EP03/02281, upon which this present application claims priority.

Moreover, according to the PCT a single patent application can refer to a product, its preparation and its uses without lacking unity. As such, Applicant respectfully submits that the currently pending claims are directed to a product and its preparation, and as such are not lacking in unity. Applicant therefore requests reconsideration of the pending restriction requirement.

However, pursuant to 37 C.F.R. 1.143, Applicant acknowledges that an election of an invention must be made even if the restriction requirement is traversed. Accordingly, Applicant hereby elects, with traverse, to proceed with prosecution of the claims in Group I, should the restriction requirement be maintained. As such, Claims 5-7 and 12 have been withdrawn from further consideration as being drawn to a non-elected invention. Additionally, Claim 13, which the Examiner indicated is part of Group I, has been amended to no longer depend from Claim 12. Applicant respectfully submits that no new matter has been added by this amendment.

Application No.: 10/507,041
Response to Office Action of July 24, 2006
Attorney Docket: NOTAR-010US

In conclusion, Applicant respectfully requests reconsideration of the restriction requirement for the reasons discussed above. Should the restriction requirement be maintained, however, Applicant elects, with traverse, to proceed with the prosecution of Group 1, namely, Claims 1, 2, 4, and 13.

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 1/18/07 By:

Customer No.: 007663



Kit M. Stetina
Registration No. 29,445
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, California 92656
Telephone: (949) 855-1246
Fax: (949) 855-6371

BND

T:\Client Documents\notar\010us\Resp rr.7.24.06.doc